

## **REMARKS**

Claims 3-7 and 16-18 are pending in this application, of which claims 3 and 16 are in independent form. The Examiner has indicated that claims 3-7 and 16-18 contain allowable subject matter. Claims 1, 2, 8-10, 12, 14, 15, 19 and 20 have been cancelled.

Reconsideration is respectfully requested.

### **Drawings**

The Examiner disapproved of the drawings submitted on January 28, 2005, stating that the drawings contain new matter. Without agreeing with the propriety of the Examiner's statement relating to the drawings, and in an effort to advance prosecution on the merits in this case, Applicant hereby requests that Figure 3A be deleted.

The Examiner also objected to the drawings under 37 C.F.R. §1.83(a). As discussed below, Applicant has canceled claims 8, 9, 19 and 20. Applicant respectfully submits that this objection is moot in view of the cancellation of these claims.

### **Claim Rejection - 35 U.S.C. §112**

Claims 8, 9, 19 and 20 were rejected under 35 U.S.C. §112 for failure to comply with the enablement requirement. Without agreeing with the propriety of the Examiner's rejection, and in an effort to advance prosecution on the merits in this case, Applicant has canceled claims 8, 9, 19 and 20. Applicant hereby reserves the right to pursue these claims in other application(s). Applicant respectfully submits that this rejection is moot in view of the cancellation of these claims.

### **Claim Rejections - 35 U.S.C. §102(b)**

Claims 1, 2, 8-10, 12, 14, 15, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. D141,259 to Fine. Without agreeing with the propriety of the Examiner's rejection, and in an effort to advance prosecution on the merits in this case, Applicant has canceled claims 1, 2, 8-10, 12, 14, 15, 19 and 20. Applicant hereby reserves

the right to pursue these claims in other application(s). Applicant respectfully submits that this rejection is moot in view of the cancellation of these claims.

**Allowable Subject Matter**

The Examiner objected to claims 3-7 and 16-18 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

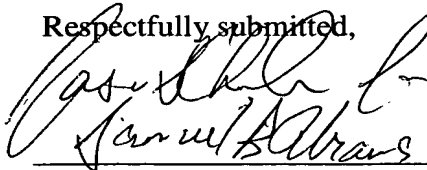
Applicant submits that claims 3 and 16 are written in independent form and do not depend from a rejected base claim. The Examiner indicated that claims 3 and 16 contain allowable subject matter. Thus, Applicant has not amended claims 3 and 16 to include the limitations of a base claim and any intervening claim. Applicant respectfully requests that the objection to claims 3-7 and 16-18 be withdrawn.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the examiner have any questions or concerns regarding this amendment or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required, please charge all such fees to Jones Day Deposit Account No. 503013.

Date: May 11, 2005

Respectfully submitted,



Jason S. Charkow for

Samuel B. Abrams

JONES DAY

222 East 41<sup>st</sup> Street

New York, New York 10017

(212) 326-3939

Reg. No. 46,418

Reg. No. 30,605